

January 28, 2009

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

RE: CC Docket No. 96-45

Dear Ms. Dortch:

On January 28, 2009, F.J. Pollak, President Chief Executive Officer, TracFone Wireless, Inc. ("TracFone") and I met with Nicholas G. Alexander, legal advisor to Commissioner Robert M. McDowell. During the meeting, we discussed TracFone's pending petition for modification of the public safety answering point certification condition filed in the above-captioned docket. In that petition filed in November 2008, TracFone asked that the Commission modify the condition that TracFone obtain from Public Safety Answering Points ("PSAPs") where it provides Lifeline service certification that TracFone Lifeline customers will have access to 911 and E911 without regard to activation status or availability of prepaid minutes. Under TracFone's proposed modification, if a PSAP did not so certify within ninety (90) days of receipt of a certification request, then TracFone could self-certify that its Lifeline customers will have 911 and E911 access. However, prior to self-certifying, TracFone would be required to confirm with its underlying network providers that those providers route 911 calls from TracFone customers in the same manner that they route 911 calls from their own retail customers.

We reiterated points previously addressed in written submissions filed in this proceeding. In addition, we discussed the fact that some PSAPs have refused to provide 911/E911 certifications required by the Commission because of concerns that they were being asked to certify as to matters beyond their control and because of concerns that they could be subject to potential liability claims in the future based on such certifications. To illustrate this point, we provided to Mr. Alexander a certification document provided to TracFone by the Saginaw County (Michigan) 9-1-1 Communications Center Authority. A copy of that certification document is included with this letter. We also provided to Mr. Alexander a one page summary of our presentation. A copy of that summary also is included.

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Pursuant to Section 1.1206(b) of the Commission's rules, this letter and attachments are being filed electronically. Please direct any questions regarding this letter to undersigned counsel for TracFone.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mitchell F. Brecher', with a long horizontal flourish extending to the right.

Mitchell F. Brecher

Attachments

cc: Mr. Nicholas G. Alexander

CC DOCKET NO. 96-45
PETITION OF TRACFONE WIRELESS, INC. FOR
MODIFICATION OF PUBLIC SAFETY ANSWERING
POINT CERTIFICATION REQUIREMENT

- FCC has conditioned TracFone's ETC designations on a requirement that it obtain for the PSAPs where it provides Lifeline service a certification that TracFone Lifeline customers are able to access 911 and E911 without regard to activation status or availability of prepaid minutes.
- Having spent considerable time and resources pursuing PSAP certifications, the results have been "mixed." It has statewide certifications for VA, TN, MA, and CT, and has many location-specific certifications for PSAPs in FL and GA.
- In other areas, PSAPs have refused to certify or have provided certifications far more qualified and limited than what the FCC has required (e.g., Michigan certifications). Some PSAPs have refused to cooperate (e.g., DC, PA, NH) or created bureaucratic roadblocks unrelated to the FCC requirement.
- In some jurisdictions, PSAPs and their counsel are concerned about potential liability if they certify and the 911 system fails for any reason. Placing local governments in the position of subjecting themselves to liability risks could not have been intended by the FCC.
- TracFone petition proposed solution (as set forth in its November 2008 petition): If a PSAP has not certified within 90 days of receiving the request, then TracFone could self-certify that its Lifeline customers have access to 911 and E911, provided, however, that TracFone first confirm with its underlying network providers serving the PSAPs' areas that those carriers route 911 calls to the PSAPs and that those carriers treat 911 calls on their networks from TracFone customers in the same manner as they treat their own retail customers' 911 calls.
- Approval of this simple modification will allow TracFone to provide its SafeLink Wireless Lifeline service consisting of free handsets and free airtime each month to thousands of low income households.
- The availability of a free, wireless Lifeline service will provide low income consumers with a measure of assistance during a period of unprecedented economic difficulties.

Saginaw County 9-1-1 Communications Center Authority

618 Cass Street Saginaw, Michigan 48602 (989) 797-4590 Fax (989) 790-5288

STATE: Michigan

TracFone CERTIFICATION

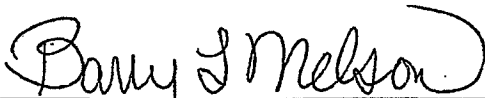
Central Dispatch Deputy Director Name: Barry L. Nelson.

PSAP Jurisdictional Boundary Description: Saginaw County

Business address: Saginaw Co. 911 Communications Authority, 618 Cass St., Saginaw, MI 48602

In my capacity as the Saginaw County 911 Central Dispatch Deputy Director for Saginaw County, I am aware that, by order issued October 27, 2008, the Michigan PSC has designated TracFone Wireless, Inc. (TracFone) an Eligible Telecommunications Carrier pursuant to Section 214(e) (6) of the Communications Act of 1934, as amended (47 U.S.C. § 214(e) (6)), for the limited purpose of providing Lifeline/Link Up service in the State of Michigan. The PSC's designation of TracFone is subject to certain conditions, including a condition that TracFone shall submit certification from each 911 County Coordinator in Michigan where TracFone provides Lifeline/Link Up service confirming that TracFone provides its customers with access to basic and E911 services. Additionally, TracFone has supplied a certification letter from AT&T and T-Mobile confirming that TracFone Lifeline customers will have "the same access to E911 as retail customers of AT&T and T-Mobile.

I can attest that our County is Phase I and Phase II compliant and if TracFone has the technical capability of providing 911 service in our county, that those calls will be processed for response in the same manner as all other 911 calls we receive in our county-wide PSAP are processed. We lack the technical capability to certify the coverage or capabilities of any phone company, wireless or wire line, to provide basic or enhanced 911 services to any particular customers.



Barry L. Nelson, Deputy Director
Saginaw County 911 Communications Authority